

September 13, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L98P0012**

PINE CLASSICS
Preliminary Plat Application

Location: Northwest side of Issaquah-Fall City Road, approximately 500' northeast of the intersection of the Issaquah-Fall City Road and the Issaquah Pine Lake Road.

Applicant: Bernadette E. Anne, *represented by*
Brian D. Todd, Attorney
Hillis Clark Martin and Peterson
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Seattle, WA 98101-2925
Telephone: (206) 623-1745

King County: Department of Development and Environmental Services
Current Planning, *represented by*
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Telephone: (206) 296-7118
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	APPROVE, subject to conditions
Department's Final Recommendation:	APPROVE, subject to conditions (modified)
Examiner's Decision:	APPROVE, subject to conditions (modified)
Complete application:	April 7, 1998, revised December 22, 2000

EXAMINER PROCEEDINGS:

Hearing Opened:	September 11, 2001
Hearing Closed:	September 11, 2001

ISSUES/TOPICS ADDRESSED:

- Revised application

SUMMARY:

The preliminary plat application is APPROVED, subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Owner/Developer:	Bernadette E. Anne 5008 240 th Avenue SE Issaquah, WA 98029
Engineer:	Brian Harron, PE Landmark, Inc. 1130 140 th Avenue NE Bellevue, WA 98027
STR:	NE 22-24-06
Location:	On the northwest side of Issaquah-Fall City Road, approximately 500' northeast of the intersection of Issaquah-Fall City Road and Issaquah-Pine Lake Road.
Zoning:	R-6 (6 dwelling units per acre)
Acreage:	2.759
Number of Lots:	6
Density:	2.2 units/acre
Typical Lot Size:	Single-family detached lots ranging from 8,802 to 15,221 square feet in size
Proposed Use:	Single-family residences
Sewage Disposal:	Sammamish Plateau Water and Sewer District
Water Supply:	Sammamish Plateau Water and Sewer District
Fire District:	King County No. 10
School District:	Issaquah School District No. 411
Complete Application Date:	April 7, 1998 – Revised December, 22, 2000

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the September 11, 2001, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.

3. Bernadette E. Anne has submitted a preliminary plat application to subdivide 2.759 acres into 6 lots for single family residential development. The property is located on the Sammamish plateau within the Laughing Jacobs Lake drainage. This application is unique in that the current applicant is a former neighboring SEPA appellant who opposed the project when it was originally proposed for 18 lots. After purchasing the property, Ms. Anne has reduced the site area by some 24,000 square feet and revised the number of lots from 18 to 6.
4. Because the hearing on this application was held on the same morning as the terrorist attack on the East Coast, there is the possibility that some neighborhood residents who might otherwise have attended the hearing were distracted by the day's tragic news. If any individual wishes to re-open the plat hearing for the submission of testimony, such person should submit a written request to the Hearing Examiner's Office within 7 days of the date of this decision, identifying the issues that he or she wishes to address. Based on such submission, the decision on this application may be reconsidered.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISIONS:

The preliminary plat application for Pine Classics, as revised and received on December 22, 2000, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat that do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187 as amended.

5. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main and fire flow to meet the standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995, (except as noted in Section D - Threshold Determination Of Environmental Significance above). DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes as established by DDES Engineering Review shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. An appropriate maintenance access road and easement to King County shall be provided for the Tract B stormwater facility.
 - e. The existing cross culvert under the existing access road (NW corner of Tract B) shall be evaluated for capacity and replaced if necessary upon submittal of the engineering plans.
 - f. The engineering plans shall be reviewed by the geotechnical engineer for compliance with the recommendations in the geotechnical evaluation letters dated January 30, 1998, and May 10, 2001. A letter from the geotechnical engineer stating compliance shall be included with the engineering plan submittal.
7. The following road improvements are required with this subdivision to be constructed according to 1993 King County Road Standards (KCRS):
 - a. The internal access road shall be improved to the public urban minor access street standard.

- b. Tract A shall be improved as a joint use driveway per Section 3.01 of the KCRS. Tract A shall be privately maintained with a stormwater facility maintenance access easement to King County. Notes to this effect shall be shown on the engineering plans and the final plat.
 - c. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
8. As required by KCRS 5.03, street trees shall be included in the design of all road improvements.
 9. Preliminary plat review has identified the following specific sensitive area requirements, which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant:

Steep Slopes: Prior to engineering plan approval, the regulated steep slope boundaries (generally depicted in Tract D) shall be field surveyed and flagged for DDES review to confirm the preliminary plat findings. A 10-foot buffer shall be added to the perimeter of the steep slopes area, and the area shall be placed in a tract.

As part of the engineering plan review, the geotechnical engineer shall collaborate with the project civil engineer to develop a grading plan for the detention facility (adjacent to proposed Lot No. 4 and Lot No. 5). The plan shall be based on additional subsurface investigation or shall include a requirement for inspection by the geotechnical engineer during construction to verify that site conditions are as anticipated. The final slope shall be no steeper than 2:1 horizontal to vertical and shall not exceed 20 feet in vertical relief. The consultants shall also prepare a slope re-vegetation and stabilization plan to address long term erosion control on this slope.

Prior to recording, the final plat map shall show a 25-foot building setback line on proposed Lot No. 4 and Lot No. 5 in accordance with the recommendations of the geotechnical engineer (Geospectrum Consultants letter dated May 10, 2001). The setback line shall begin at the top of the permanent cut slope proposed to construct the detention facility.

10. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey marking and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
11. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

“Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave

all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.”

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance.

If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application, and a note shall be placed on the face of the plat that reads:

"All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid."

If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

14. The applicant shall comply with the terms of the Agreement to Contribute to Transportation Demand Management Strategies entered into between the applicant and King County on August 2, 2000.
15. Suitable recreation space and facilities shall be provided consistent with the requirements of KCC 21A.14.180 and 190.
 - a. A detailed recreation space plan shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. This plan shall include location, area calculations, dimensions, landscape specs, equipment specs, bond quantity worksheet(s), etc.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
16. A homeowner's association or other workable organization shall be established to the satisfaction of DDES to provide ownership and continued maintenance of the recreation facilities, associated landscaping and sensitive areas tracts.

17. The following condition shall apply to implement the P-suffix conditions on this property:

ESP-P20 (Seasonal Clearing and Grading Restrictions):

Clearing and grading shall not be permitted between October 1 and March 31.
All bare ground must be fully covered or revegetated between these dates.
Certain exemptions apply for such situations as emergencies and routine maintenance of public agency facilities.

18. Lots within this subdivision are subject to King County Ordinance 10162 and Ordinance 12532, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

The following conditions have been imposed under SEPA authority to mitigate the adverse environmental impacts of the proposal. The Applicant shall demonstrate compliance with these conditions prior to final plat approval:

19. To mitigate for stormwater impacts to downstream properties and wetlands, the flow control drainage facility for this project shall be designed to meet KCTRS Level 3 flow control standards per the 1998 KCSWDM.
20. To mitigate for water quality impacts, the water quality drainage facility for this project shall be designed to meet the Sensitive Lake Protection standards of the 1998 KCSWDM.

ORDERED this 13th day of September, 2001.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 13th day of September, 2001, to the following parties and interested persons:

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Issaquah WA 98029

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Nilmar & Helen Molvik 23925 Issaquah Fall City Rd Issaquah WA 98029	Issaquah Montessori 24326 Issaquah Fall City Rd Issaquah WA 98027	Eleanor Moon K C Exec Horse Council 12230 NE 61st Kirkland WA 98033
Brian Moore 3132 - 235th Avenue SE Issaquah WA 98029	Allan Mussler 4819 - 242nd Ave SE Issaquah WA 98029	Ben Muzzay 22915 NE 25th Way Redmond WA 98053
Robert Nason 22822 NE 23rd Street Redmond WA 98053	New Home Trends 18912 N Creek Parkway #211 Bothell WA 98011	Andy Olney 1720 E Beaver Lk Dr SE Issaquah WA 98029
Dan & Audrey Oxley 24224 SE 32nd Street Issaquah WA 98029	Pacific Motion Group 14935 NE 95th Street Redmond WA 98052-2559	Dorothy & Ed Parker 1818 - 193rd Avenue SE Issaquah WA 98027
Frank & Beverly Pasqual 5115 Issaquah Pine Lake Road Issaquah WA 98027	Dennis Perkins 1570 Skyline Tower 10900 NE Fourth St Bellevue WA 98004-5841	Tom Perricone 22901 NE 24th PL Redmond WA 98053
Raymond & Joan Petit 2010 W. Beaver Lk Dr SE Issaquah WA 98029	Doug & Andrea Phillips 25120 SE 14th St Issaquah WA 98029	Michael Poling 22607 SE 35th Sy Issaquah WA 98029
Nick & Suzy Repanich Rondestvedt 1916 W Beaver Lk Dr SE Issaquah WA 98029-8009	Mara Rigel 3331 - 259th Place SE Issaquah WA 98029	Helen & Jesse 1525 - 235th Avenue SE Issaquah WA 98029
Dwight & Mary Roof 1025 Lancaster Way SE Issaquah WA 98029-7177	Robert & Margaret Rowe 24425 NE 26th Street Redmond WA 98053	Nancy Ryan 2122 - 222nd Place NE Redmond WA 98053
Donald Satterthwaite 4901 - 242nd Ave SE Issaquah WA 98029	Alfred & Vivian Sauerbrey 2214 W Beaver Lake Dr SE Issaquah WA 98029-8020	Deb Schaefer 412 - 239th Avenue NE Redmond WA 98053
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NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before September 27, 2001***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before October 4, 2001***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE SEPTEMBER 11, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L98P0012

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Greg Borba and Bruce Whittaker. Participating in the hearing and representing the Applicant was Brian Todd. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES File L98P0012
- Exhibit No. 2 Preliminary Report to the Hearing Examiner, mailed 8/28/01
- Exhibit No. 3 Subdivision application, received 3/10/98
- Exhibit No. 4 Environmental checklist, dated 11/13/97, amended 7/24/01
- Exhibit No. 5 Mitigated Determination of Non-significance (MDNS), dated 6/27/99
- Exhibit No. 6 Addendum Notice of MDNS, dated 8/10/01
- Exhibit No. 7 Affidavit of Posting, received 7/2/98
- Exhibit No. 8 Revised Plat Map, received 12/22/00
- Exhibit No. 9 King County Assessor Map
- Exhibit No. 10 Geotechnical Report, dated 1/30/98
- Exhibit No. 11 Level 1 Downstream Analysis, dated 3/9/98
- Exhibit No. 12 Agreement for Transportation Demand Management Services, dated July 2000
- Exhibit No. 13 Geotechnical Report, dated 5/10/01
- Exhibit No. 14 Boundary line adjustment map, dated 1/22/01

SLS:slb
Plats/L98P0012 RPT